

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-22 are pending in the application, with claims 1 and 15 being the independent claims.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned “**Version With Markings to Show Changes Made.**”

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-10 and 12-14 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 4,836,378 to Lephardt (“Lephardt”) in view of U.S. Patent No. 4,077,289 to Rudszinat (“Rudszinat”). Claim 11 stands rejected under 35 U.S.C. §103 as being unpatentable over Lephardt in view of Rudszinat and further in view of U.S. Patent No. 4,471,866 to Erdmann (“Erdmann”). Claims 15-22 stand rejected under 35 U.S.C. §103 as being unpatentable over Lephardt in view of Rudszinat and Erdmann and further in view of U.S. Patent No. 5,190,428 to Bryant et al. (“Bryant”).

Initially, Applicants respectfully submit that the Office Action gives the teachings of Lephardt an unreasonably broad interpretation.

Claim 1 requires that the composite container has a plurality of constituents. The constituents of the container are then provided with characteristic indicia. This characteristic indicia is processed into information characteristic of the assembled container. In Lephardt, contrary to the comments in the “Response to Arguments,” the identity of the cigarette maker is not “provided” to the constituents of the container. Furthermore, the characteristic indicia is not processed into information which is “characteristic of the assembled container.” As admitted by the Action, the “characteristic indicia” of Lephardt is characteristic of the maker of the cigarette or characteristic of when the cigarette was made. The claim requires that the information be characteristic of the assembled container.

Claim 1 has been amended to more clearly distinguish over the cited art. Support for this amendment can be found, for example, on page 24, at lines 21-23. Specifically, claim 1 recites that the information is characteristic of each individual container. In other words, the present invention enables each individual pack to be identified and encoded to prevent package forgery. Lephardt is directed to a method to encode a magnetic strip with production data that 1) refers to the articles within the pack (e.g., article manufacturing-specific information) and 2) does not identify individual packs.

Accordingly, claim 1 is allowable over the cited art. Claims 2-14 are dependent on claim 1 and are allowable over any combination of Lephardt, Rudszinat, Erdmann and Bryan. Claim 15 recites the “means for” performing the method steps of claim 1 is patentable for the reasons

discussed in reference to claim 1. Claims 16-22 depend from claim 15 and are patentable over any combination of the cited art.

Entry of the present amendment is respectfully requested as placing the application in condition for allowance and as not requiring new consideration on the part of the Examiner. It is respectfully submitted that the present amendment merely clarifies that which was evident and implied by the claims prior to the amendment. Thus, the Examiner has already considered these features even though the Examiner believed that the broadest interpretation of the claims, as previously written, are rendered unpatentable by the prior art.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 1-22 is respectfully requested.

Respectfully submitted,

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Version With Markings To Show Changes Made

In the Claims:

Please amend claims 1 and 15.

1. (Twice Amended) A method of confining a commodity in a composite container having a plurality of constituents, comprising the steps of:

- assembling the constituents into the composite container around the commodity;
- providing at least some of the constituents with characteristic indicia not later than in the course of the assembling step;
- processing the characteristic indicia into information which is characteristic of [the] each individual assembled container; and
- encoding the information upon at least one constituent of the container.

15. (Twice Amended) Apparatus for confining successive ones of a series of commodities in composite containers each of which has a set of constituents, comprising:

- means for conveying successive commodities of the series along a predetermined path;
- means for assembling the constituents of the sets into the containers, including placing the constituents around successive commodities in a predetermined sequence in successive portions of the path;

means for providing at least some constituents of each set with characteristic indicia not later than in the respective portions of said path;

means for processing the characteristic indicia on said at least some constituents of each set into information which is characteristic of [the respective] each individual assembled [containers] container; and

means for encoding the information upon [the respective containers] each individual container.